

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

	X	
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CYNTHIA A. BENNETT and GUY E. MILLER,	:	
	:	Civil Action No. 04cv11651 (MLW)
Plaintiffs,	:	
	:	
vs.	:	
	:	
FIDELITY MANAGEMENT AND RESEARCH	:	
COMPANY, et. al.,	:	
	:	
Defendants.	:	

NANCY HAUGEN, MICHAEL F. MAGNAN, :
KAREN L. MAGNAN, ROSE M. : Civil Action No. 04cv11756 (MLW)
IANNACONE, PRESLEY C. PHILLIPS, :
ANDREA M. PHILLIPS, and CINDY :
SCHURGIN, for the use and benefit of FIDELITY :
MAGELLAN AND FIDELITY CONTRAFUND, :
:
Plaintiffs, :
:
vs. :
:
FIDELITY MANAGEMENT AND RESEARCH :
COMPANY, et. al., :
:
Defendants. :

**[PROPOSED] ORDER GRANTING
INTERVENTION AND STAYING ALL PROCEEDINGS**

WHEREAS, intervention by the plaintiffs in the following cases is appropriate and consistent with Rule 24 of the Federal Rules of Civil Procedure: *Gilliam v. Fidelity Management & Research Co.*, No. 04-cv-11600 (NG); *Bogatin Family Trust v. Fidelity Management and Research Co.*, No. 04-cv-11642 (NG); *Awali v. Fidelity Management and Research Co.*, No. 04-

cv-11709 (MLW); *Groeschel v. Fidelity Management and Research Co.*, No. 04-cv-11735 (GAO); and *Fallert v. Fidelity Management and Research Co.*, No. 04-cv-11812 (MLW) (collectively these five cases will be referred to as the “*Gilliam* Plaintiffs”);

WHEREAS, a Motion for Consolidation of the *Gilliam* Plaintiffs’ cases and the above-captioned *Haugen* and *Bennett* cases is pending in this District;

WHEREAS, the outcome of the Motion for Consolidation will affect the adjudication of the above-captioned *Haugen* and *Bennett* actions as well as the *Gilliam* actions;

NOW, THEREFORE, THE COURT ORDERS as follows:

- (1) The Motion to Intervene by the *Gilliam* Plaintiffs is granted;
- (2) All proceedings in the *Haugen* and *Bennett* actions are stayed pending the resolution of the Motion for Consolidation.

IT IS SO ORDERED

Dated: _____, 2004

Hon. Mark L. Wolf
United States District Judge